

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| VISION BIOSYSTEMS (USA)        | ) |                                  |
| TRADING, INC.,                 | ) |                                  |
|                                | ) |                                  |
| Plaintiff,                     | ) |                                  |
|                                | ) |                                  |
| v.                             | ) | Civil Action No. 03-CV-10391-GAO |
|                                | ) |                                  |
| VENTANA MEDICAL SYSTEMS, INC., | ) |                                  |
|                                | ) |                                  |
| Defendant.                     | ) |                                  |
|                                | ) |                                  |
| VENTANA MEDICAL SYSTEMS, INC., | ) |                                  |
|                                | ) |                                  |
| Plaintiff,                     | ) |                                  |
|                                | ) |                                  |
| v.                             | ) | Civil Action No. 05-CV-10614-GAO |
|                                | ) |                                  |
| VISION BIOSYSTEMS INC.,        | ) |                                  |
|                                | ) |                                  |
| Defendant.                     | ) |                                  |
|                                | ) |                                  |

VISION'S MOTION FOR IMPOUNDMENT UNDER LOCAL RULE 7.2

Pursuant to Local Rule 7.2, Vision BioSystems, Inc. ("Vision"), moves this Court to impound the following documents, which are filed herewith as exhibits to the *Second Declaration Of Douglas E. Ringel In Support Of Vision's Motion For Leave To Serve The Attached Expert Report From Dr. Balis On The Issue Of Obviousness* ("Declaration"):

| <u>Declaration</u><br><u>Ex. No.</u> | <u>Document</u>   | <u>Bate Range</u> |
|--------------------------------------|---|-------------------|
| Ex. T                                | Investment Report by Cleary Gull  | VEN1036967 - 82   |
| Ex. U                                | <i>Expert Report of Andre Sharon, Ph.D., served in Ventana Medical Systems, Inc. v. Biogenex Laboratories, Inc., No. 03-92 (D. Ariz.)</i> ("the Biogenex case") | VEN1035325 - 54   |

|       |   |                  |
|-------|---|------------------|
| Ex. V | <i>Expert Report of David G. Hicks, M.D., served in the Biogenex case</i>   | VEN1035264 - 306 |
| Ex. W | <i>Expert Report of Roger C. Palmer, P.Eng., served in the Biogenex case</i>  | VEN1021083 - 135 |
| Ex. X | <i>Plaintiff's Responsive Memorandum in Opposition to Defendant's Motion for Summary Judgment of Invalidity for Obviousness and Cross-Motion for Summary Judgment Dismissing Defendant's Obviousness Defense, filed under seal in the Biogenex case</i> | VEN1034665 - 90  |
| Ex. Y | <i>Expert Report of James Winkelman, M.D., served in the Biogenex case</i>  | VEN1017895-950   |

As grounds for this motion, Vision states that the aforementioned documents have been designated as Confidential by Ventana under the terms of the Protective Order entered in this case. Accordingly, those exhibits attached to the Declaration as Exhibits T-Y, should be filed under seal.

The requested impoundment should continue until sixty (60) days after the entry of final judgment herein. Thereafter, the materials shall be returned to counsel for Vision, who shall retain them, subject to further order of the Court, for thirty (30) days after the final termination of this litigation, including any applicable appeal period.

Dated: May 7, 2007

Respectfully submitted,

By: /s/ Pamela Zorn Adams  
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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2) that prior to filing this motion and declaration, the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. During that conference, Ventana's counsel Nicole Stafford represented that Ventana assents to Vision's Motion for Impoundment under Local Rule 7.2.

/s/ Pamela Zorn Adams